

APPENDIX A

CASE STUDY METHODOLOGY

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Approach and Timeline for Title VI & Brownfields Case Studies

December 22, 1998

I. Purpose and Context of Case Studies

In February 1998, EPA issued the “Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits” for public comment. This guidance is intended to assist EPA’s Office of Civil Rights (OCR) in processing complaints filed under Title VI of the Civil Rights Act of 1964, alleging discriminatory intent or effect based on race, color, or national origin resulting from the issuance of pollution control permits by state or local governmental agencies that receive EPA funding. The guidance provides a time line and framework for the processing and investigation of complaints.

During the 90-day public comment period, local leaders, industry representatives, and national organizations formally asserted that the guidance, as currently written, would stifle development in inner-city areas where discriminatory effects could be alleged. Uncertainty and fear of a potentially lengthy and costly Title VI investigation could deter potential developers from investment in these areas, stifling progress made in recent years in redeveloping brownfields regardless of tax breaks in empowerment zones, incentives for brownfields redevelopment, and other urban revitalization programs.

In order to test these assertions and determine the relationship between the Title VI Guidance and Brownfields Pilot activities, EPA has chosen to begin its research by conducting case studies at six of its Brownfields Assessment Demonstration Pilots. EPA will determine whether enforcement of the Interim Guidance is impacting cleanup and redevelopment activities at Brownfields Pilots and whether these activities are triggering Title VI complaints to OCR. These case studies will be provided to the National Advisory Council for Environmental Policy and Technology (NACEPT) Title VI Federal Advisory Committee Act (FACA) Committee for consideration as it drafts the final Guidance on Title VI Permit Complaints.

II. Choice of Pilots

In choosing Pilots for case studies, the contractor provided a cross-pilot analysis for the 227 Brownfields Assessment Demonstration Pilots. Of these 227, it was determined that the last two rounds of pilots were recently awarded and, therefore, would not have sufficient information to support a case study effort. Of the 121 that remained, the contractor prepared a matrix of information for each pilot containing the following information: pilot city population, minority rate, information on community involvement activities, information on activities with minority groups, number of sites targeted, reuse plans for the site, information regarding the target area zoning (e.g., industry, residential), and environmental permit concentration in the cities.

Using this information, six pilots were chosen by EPA in conjunction with a panel of stakeholders. So that

communities would have a reasonable chance of having Title VI issues, a preliminary list was developed of pilots that had at least a two-digit minority percentage rate, had at least one site targeted with light- or heavy-industrial reuse plans, and were located in areas where permits already existed. The final six were chosen from this group based on their high levels of involvement with community and minority groups. To ensure a representation of experiences of large-, medium- and small-sized communities, two pilots were chosen in each size group (under 100,000; 100,000 to 500,000; and over 1,000,000). The six pilots chosen are: Chicago, Detroit, Charlotte (NC), Miami, Lawrence (MA) and Camden (NJ).

III. Conducting Case Studies

Step 1: Gathering Up-to-Date Information on Pilot Activities

The contractor will work with EPA to contact the Brownfields Regional Coordinators and EPA pilot leads to confirm the appropriate local pilot contacts and gain insight into pilot activities, difficulties and context.

Time frame: by December 31, 1998

Step 2: Interviews with Local Pilot Managers

After thoroughly reviewing available information on pilot activities, the contractor will conduct initial information-gathering interviews with local Pilot Managers to gain information about current pilot activities and accomplishments, parties that have been/are currently involved with the pilot, parties that have been critical of pilot activities, and those that might naturally have Title VI concerns.

Time frame: by January 15, 1998

The contractor will work with the local Pilot Managers to match stakeholder activities to specific properties to determine stakeholder relationships and activities ongoing at the pilot. This information will be reviewed by EPA to make decisions regarding what additional interviews (up to eight) should be conducted.

The major groups of stakeholders that will be represented in the interviews will include: community and environmental justice groups; community development corporations and business associations; lenders and developers; local and state government contacts; and environmental groups. To assure that any potential Title VI issues are adequately researched, the interviewee pool will be weighted to include a higher percentage of (1) business, investment and development interests and (2) environmental and community groups, key stakeholder groups that are likely to be aware and concerned with Title VI. The interviewee sample will also be weighted to include stakeholders that are not only supportive and active in the process, but that also might have felt “disgruntled.” Every attempt will be made to choose interviewees who are knowledgeable about the brownfields activities and aware of Title VI-type issues. If it is felt that not enough is known about the pilot’s activities after of the interview with the Pilot Manager, one or two of the eight interviews will not be assigned at this time, but filled in as information is gathered regarding the

history and impact of brownfields activities.

Time frame: within 4 working days of interview with Pilot Manager

Step 3: Conduct Interviews of Stakeholders in Pilot Community

The contractor will solicit assistance from the local Pilot Manager to organize an interview schedule and protocol to conduct interviews in the most efficient and effective manner possible. This may include phone calls, on-site visits or a combination of the above, depending upon which is more expedient.

The contractor will develop tailored lists of interview questions for each of the interviewees chosen based on site-specific information, the interviewees' history and activities with the pilot, and their potential role as a participant in any Title VI complaints. Questions for each stakeholder group will be based on general questions originally outlined for Charlotte, North Carolina (see attachment). EPA will review questions, if practicable.

The contractor's team of senior level interviewers knowledgeable about Title VI issues and brownfields will conduct the interviews.

Time frame: Interviews completed by January 22, 1999.*

Preliminary information on specific interviews will be prepared in bulleted form and delivered to EPA on January 26, 1999.

* Please note that due to Pilot Managers' and stakeholders' holiday schedules, time frames may need to be altered.

Step 4: Draft Case Studies

The contractor will draft 3- to 5-page case studies describing the relationship between Brownfields Pilot activities and Title VI in each of the six communities. Key questions that will be answered in the case studies include:

- C What is happening around EPA Brownfields Pilot sites in terms of what types of redevelopment are planned, who is involved, and what types of cooperative efforts exist?
- C Does the Title VI process hinder redevelopment of brownfields properties?
- C If so, how and why does this occur? Describe and define the impediments.
- C What are the solutions to the impediments? What are the lessons learned from past efforts?

Time frame: January 25 - February 12, 1999

Step 5: Review and Revise Case Studies

The contractor will discuss and incorporate revisions suggested in the review by EPA and provide copies for comment to local, state or federal stakeholders as requested. Groups to consider for distribution include, but are not limited to: U.S. Conference of Mayors; National Conference of Black Mayors; Title VI FACA; the Environmental Council of the States; Association of State, and Territorial Solid Waste Management

Officials; National Environmental Justice Advisory Council; National Governors Association; U.S. Chamber of Commerce; National Black Chamber of Commerce; and National Religious Partnership for the Environment. The contractor will discuss these suggestions with EPA and perform formatting for the final version.

Time frame: February 15 - March 1, 1999

Step 6: Roll Out Case Studies

In addition to materials being provided to the FACA committee, the contractor will work with EPA to develop a strategy and materials to disseminate case studies to EPA, stakeholder groups, participating communities, and the public. Options to disseminate case studies and information on Title VI could include: distribution at NEJAC and/or other EJ meetings; distribution to local newspapers in participating communities; distribution to all pilots and Brownfields partners via broadcast fax; posting on EPA's Office of Environmental Justice and OSWER's Environmental Justice and Brownfields web sites; conducting press releases; posting on EPA's Intranet; and distribution to EPA's Office of Civil Rights.

Time frame: February 15 - ongoing

IV. Interview Protocol

The contractor has selected a pool of senior-level staff to conduct interviews for the case study pilot stakeholders. Each of the six senior interviewers is paired with mid-level note takers/writers who have an understanding of the case study purpose, brownfields and Title VI issues, and have created pre-study materials. This protocol assures that the contractor's most experienced, knowledgeable interviewers will be interacting with pilots and stakeholders, supported by writers and researchers that are experts in brownfields and environmental justice. While six separate interviewers is not an ideal study methodology, it is necessary to conduct these case studies in the time frame allotted.